

REMARKS

Claims 17-36 are presently in the application. Claims 1-16 have been canceled.

The specification and claims have been corrected to describe the valve 44 shown in Fig. 2 as a 3/2-way valve. Fig. 2 as originally filed clearly shows a valve having 3 connections and 2 switching positions. Thus, it shows a 3/2-way valve, not a 2/3-way valve.

In response to the Office action of January 11, 2007, applicants hereby elect the species shown in Fig. 2, for prosecution on the merits should no generic claim be found to be allowable. Claims 17-23 and 25-36 are readable on the elected species, with claims 17-23 and 28-36 being generic.

However, this election is made **with traverse**.

Attention is directed to MPEP 1893.03(d), which reads in part:

Examiners are reminded that unity of invention (not restriction) practice is applicable in international applications (both Chapter I and II) and in national stage applications submitted under 35 U.S.C. 371. Restriction practice continues to apply to U.S. national applications filed under 35 U.S.C. 111(a), even if the application filed under 35 U.S.C. 111(a) claims benefit under 35 U.S.C. 120 and 365(c) to an earlier international application designating the United States or to an earlier U.S. national stage application submitted under 35 U.S.C. 371.

When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.

The principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application. See MPEP § 1850 for a detailed discussion of Unity of Invention. The basic principle is that an application should relate to only one invention or,

if there is more than one invention, that applicant would have a right to include in a single application only those inventions which are so linked as to form a single general inventive concept.

The present application is a national stage applications submitted under 35 U.S.C. 371. Therefore, unity of invention (not restriction) practice is applicable in the present application. Under unity of invention practice, an applicant has the right to include in a single application only those inventions which are so linked as to form a single general inventive concept. The meaning of "a single general inventive concept" is explained in 1893.03(d), as follows:

A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression special technical features is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art. For example, a corresponding technical feature is exemplified by a key defined by certain claimed structural characteristics which correspond to the claimed features of a lock to be used with the claimed key. Note also the examples contained in Chapter 10 of the International Search and Preliminary Examination Guidelines which can be obtained from WIPO's web site (www.wipo.int/pct/en/texts/gdlines.htm).

The examiner's attention is directed to Example 17 found in paragraph 10.37 of Chapter 10 of the International Search and Preliminary Examination Guidelines. Example 17 reads as follows:

10.37 Example 17

Claim 1: A chair with a lifting mechanism.

Claim 2: A chair with a mechanical screw lifting mechanism.

Claim 3: A chair with a hydraulic lifting mechanism.

Unity of invention exists between claims 1-3. The special technical feature common to all the claims is the lifting mechanism. However, if any lifting mechanism is known in the art, unity would be lacking because there would not be a special technical feature common to all the claims.

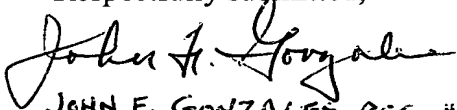
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In the present application, claims 17-36 are so linked as to form a single general inventive concept. Claims 17-23 and 28-36 are generic to the species illustrated in Figs. 1 and 2. Claim 17 calls for, inter alia, "at least one electrically actuatable magnet valve (40; 44), disposed downstream of the check valve (14) in the suction jet pump line (34)." Fig. 1 shows a electrically actuatable magnet valve (40). Fig. 2 also shows an electrically actuatable magnet valve (44), namely, a 3/2-way valve (see claim 25). The relationship between claims 17, 24 and 25 of this application is the same as that between claims 1 and 2 of example 17, with the special technical feature common to all the claims being the electrically actuatable magnet valve. Accordingly, unity of invention exists in the application. Withdrawal of the election requirement is requested.

Please charge the fee for any necessary extension of time to deposit account No. 07-2100.

Entry of the amendment and allowance of the claims are respectfully requested.

Respectfully submitted,


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